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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

NORMAN FENN JR.,  
Plaintiff,  
vs.  
PENSKE LOGISTICS, INC., et al.,  
Defendants.

CASE NO. CV F 10-1507 LJO SMS  
**ORDER TO RELIEVE DEFENDANT OF  
JOINT STATEMENT OF UNDISPUTED  
FACTS**  
(Doc. 23.)

Defendants seek relief to file a joint statement of undisputed facts for their summary judgment motion due to defense counsel’s oversight. Based on defense counsel’s representations, including the lack of meaningful benefit of a joint statement, this Court RELIEVES defense counsel of the joint statement requirement. Nonetheless, this Court ADMONISHES the parties’ counsel to comply with the Federal Rules of Civil Procedure and this Court’s Local Rules and orders.

Due to having the heaviest district court caseload in the nation and inability to hold to scheduled dates, this Court FURTHER ADMONISHES the parties to consent to the conduct of further proceedings by a United States Magistrate Judge. Without such consent, this Court will likely reset the pretrial conference, due to the lateness of the summary judgment hearing date, and reset trial, due to multiple trials currently set on November 14, 2011, including criminal trials which are given priority.

IT IS SO ORDERED.

**Dated:** August 19, 2011 /s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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